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February 17, 2012

**Via ECF and Regular Mail**

Honorable Nina Gershon  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Thompson v. City of New York, et al.**  
**11-CV-4759(NG)(RML)**

Your Honor:

I represent the plaintiff in this action alleging false arrest, unreasonable force, malicious prosecution and respondeat superior liability. I write in response to defense counsel's letter to the Court, dated December 23, 2011, requesting a pre-motion conference and setting forth the basis of defendants' proposed motion to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure.

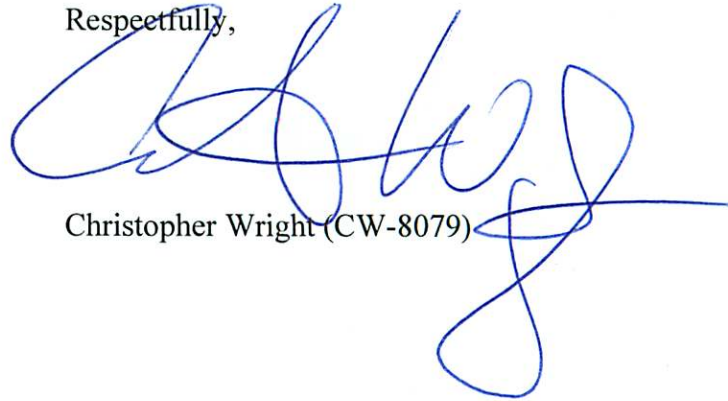
**A. Nature and Extent of Motion**

Defendants wish to move for dismissal of plaintiff's claims based on a General Release executed by plaintiff in the case of Thompson v City of New York, et. al. under docket number 10-CV-4972(SLT)(JO). Specifically, defendants contend that the language in that General Release bar the instant claims in that the City of New York was relieved of all liability of any claims that could have been alleged at that time. Defendants posit that the instant claims fall within the ambit of the language of that General Release and now request permission to make a motion to dismiss.

**B. Plaintiff Requests this Motion be Stayed Pending a ruling by the Second Circuit**

The issue posed in defense counsel's proposed motion is presently being briefed in the Second circuit in Lamont Tromp v. City of New York et. als, 11-CV- 2794 (JBW)(RLM), 2<sup>nd</sup> Circ. no. 11-4132. For purposes of judicial economy, plaintiff respectfully requests that defendants request be stayed pending determination of this appeal.

Respectfully,

A handwritten signature in blue ink, appearing to be 'CW', with a large loop at the end.

Christopher Wright (CW-8079)

cc: Hon. Robert M. Levy (via ECF)

Wesley E. Bauman, Esq. (via ECF)